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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,288	01/26/2004	Rade Petrovic	2073-136	6479

20028 7590 08/21/2007  
Lipsitz & McAllister, LLC  
755 MAIN STREET  
MONROE, CT 06468

EXAMINER
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CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/763,288

Applicant(s)

PETROVIC

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 8-26 is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6-4-04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-6 and 8-38 were pending in the instant application at the time of the mailing of the previous Office Action. By the latest amendment filed May 25, 2007, claims 27-38 are cancelled. Therefore claims 1-6 and 8-26 remain pending and have been examined.

2. The indicated allowability of claims 1-6 is withdrawn in view of the newly discovered reference(s) to Tewfik, US 6,282,299, and Leighton, US 5,644,018. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tewfik, US 6,282,299, and Leighton, US 5,644,018.

As for claim 1, Leighton teaches a method for detecting the presence of auxiliary information symbols encoded onto host signals (abstract), comprising steps of: receiving an encoded host signal (fig. 2, col. 1 lines 51-65); detecting an auxiliary

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information carrier from said received encoded host signal (col. 1 lines 51-65), correlating said encoded host signal with said auxiliary information carrier to obtain a correlation value (fig. 2, col. 1 lines 51-65); and detecting the presence of said auxiliary information symbols from said correlation value (fig. 2, col. 1 lines 51-65). Leighton does not teach wherein said auxiliary information carrier is comprised of a plurality of signal components having varying amount of delay or offset from each other. However Tewfik dos teach such a step (col. 3 lines 35-50, col. 7 line 60 to col. 8 line 8). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Tewfik into the system of Leighton. It would be desirable to do so as perceptual masking of embedded data would decrease the signal degradation of watermarked content.

As for claim 2, Leighton teaches the method according to claim 1, wherein said auxiliary information symbol detecting step comprises the step of determining a sign of said correlation value (col. 3 lines 55-65).

As for claim 3, Leighton teaches the method according to claim 1, wherein said auxiliary information symbol detecting step comprises the step of determining a magnitude of said correlation (col. 3 line 52 to col. 4 line 2).

As for claim 4, Leighton teaches the method according to claim 1, wherein said auxiliary information symbol detecting step is used for copy management purposes (col. 2 lines 45-60).

As for claim 5, Leighton teaches the method according to claim 1, wherein said auxiliary information symbol detecting step is used to limit unauthorized copying of said host signal (col. 2 lines 45-60).

As for claim 6, Leighton teaches the method according to claim 1, wherein said auxiliary information symbol detecting step is used for at least one of broadcast and playback monitoring of said host signal (col. 2 lines 20-40: an attempt to remove a watermark will result in signal degradation, thereby identifying an illicit copy during broadcast or playback).

#### ***Allowable Subject Matter***

5. Claims 8-26 are allowed.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul Callahan/  
August 15, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER